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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Don Karterman
Serial Number: 10/812,637
Filed: March 29, 2004
For: Audio And Visual Display

Art Unit: 2873
Examiner: A. Harrington

Remarks

Claims 1-41 were pending in the application. Claims 1-41 have been canceled. Claims 42-51 have been added. Claims 1-41 stand rejected. Basis for support of the new claims is found throughout the specification and drawings. No new matter has been added.

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The Rejections

The examiner has rejected claims 1-4, 7, 9-14, 16-18, 26-27, 30-32, 39-41 under U.S.C. 102(b) as being anticipated by Vachette et al (US 6,532,690).

The examiner has rejected claims 1, 8-10, 13-17, and 30 under U.S.C. 102(b) as being anticipated by McKinley (US 2002/0163732).

The examiner has rejected claims 1, 9-11, 13, 14, 16, 17, 35-38 under U.S.C. 102(b) as being anticipated by Laverty (US 6,865,033).

The examiner has rejected claims 5, 6, 19-21, 22-25, 28, 29, 33, and 34 under 35 U.S.C. 103(a) as being unpatentable over Vachette et al (US 6,532,690).

Response

The applicant believes that all of the rejections and objections have been resolved.

The Amendment of Don Karterman
Page 5

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Mike Tavella Patent Agent 9075223907

p.10

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Regarding the existing rejections, applicant notes that all of the original claims have been cancelled. Therefore, those rejections are now moot.

Regarding the new claims, applicant notes that these claims are similar in structure to claim 22 (and the related claims thereto). In rejecting claim 22, the examiner said:

However Vachette discloses the claimed invention except for the claimed frame with a door and switch means engageable with the door. It would have been an obvious matter of design choice to include this feature, since the applicant has not disclosed that this feature solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well.

The problem with that argument is that there is nothing in any of the references that suggests or teaches that the lens be installed on a moving object—other than in the sense of the rocking motion taught in all of them. Yes, the frames taught in the references “move”; but they do so only while remaining in a fixed position. The frame really does not move in space from one physical location to another. Vaschette specifically teaches two embodiments in which the frame remains fixed while people move. In Vachette’s figure 16, for example, they show a person approaching the fixed frame from the front. The device causes the image to move within the frame as the person approaches. In Vachette’s figure 17, the device works while the person walks past the frame. Again, although the lens moves to change the lenticular image, the

The Response of Don S. Karterman
Page 6

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frame itself does not move. Moreover, none of the other references cited show the frames moving in space from one location to another. Therefore, the suggestion of such a modification is only found in the instant application.

Regarding the examiner's argument that

"applicant has not disclosed that this feature solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well."

Applicant again must disagree. By placing the lenses on a sliding door, the need for complex systems to move the frames so that a view can see the shifting patterns produced by the lenses is eliminated. The movement of the door itself causes this action. Moreover, the action is automatically synchronized with a person's natural movements. Thus, by placing the lens on a sliding door, such as those found in a supermarket or retail store, advertisers can entice customers through the use of eye-catching lenticular graphics previously unused in such applications. This application is not limited to advertising. Many different eye-catching displays can be used for many different purposes. This is discussed in the specification on pages 9 and 10. Moreover, as claimed in claim 51, these images can be sequential, which adds materially to the experience.

The Response of Don S. Karterman
Page 7

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Applicant is the first to recognize that lenticular lenses needed not be limited to frames that are fixed in place.

For these reasons, applicant believes the use of lenticular lenses – and particularly the use of a set of sequential images displayed on a sliding door are not obvious and are novel. Therefore, applicant believes that these claims are allowable.

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The Response of Don S. Karterman
Page 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Conclusion

In view of the above, the applicant believes that all of the objections and rejections have been resolved. Examination, consideration and approval of the new claims are requested soon.

Respectfully Submitted



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The Response of Don S. Karterman
Page 9